

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO VEGA, JR.,

Petitioner,

v.

CALIFORNIA BOARD OF PAROLE
HEARINGS,

Respondent.

Case No. 21-04321 NC (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner at Valley State Prison, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner challenges the denial of a parole hearing. *See generally*, Pet. Venue for a habeas action is proper in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). However, if a petition challenges the manner in which a sentence is being executed, e.g., if it involves a parole or time credit claim, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(b)(2); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Here, because petitioner challenges his parole, the Eastern District of California is the preferable forum.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a). The Clerk shall terminate all pending motions and transfer the entire file to the Eastern District of California.

IT IS SO ORDERED.

DATED: _____

NATHANAEL M. COUSINS
United States Magistrate Judge